

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

**MORRIS L. RANDALL,
Plaintiff**

v.

**COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION,
Defendant**

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No. 9:16-CV-00057

**ORDER OVERRULING OBJECTIONS AND ADOPTING
REPORT AND RECOMMENDATION**

The Plaintiff requests judicial review of a final decision of the Commissioner of Social Security Administration with respect to his application for disability-based benefits. This matter has been referred to the Honorable Keith Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge submitted a report recommending that the decision of the Commissioner be affirmed. The court has considered the report and recommendation filed on July 26, 2017 (Doc. No. 18) and the Plaintiff's objections. (Doc. No. 19.) The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* Fed. R. Civ. P. 72(b). After careful consideration, the court concludes that the Plaintiff's objections are without merit.¹ The court concludes that the magistrate judge correctly identified and discussed the points of error argued by

1. The Plaintiff's objection to the Report and Recommendation fails to acknowledge that the ALJ appropriately made the determination that the security guard and receptionist jobs were a composite job, performed as the SGA level, and constituted past relevant work. The ALJ and Magistrate Judge applied the correct standard in assessing the evidence, including the post-hearing memorandum, contrary to the assertions of the Plaintiff. The ALJ considered each job within the composite job and questioned the vocational expert on each job. The vocational expert and the ALJ determined that Randall was capable of performing both jobs. The vocational expert and ALJ also considered the length of service of the composite job when determining past relevant work. The ALJ sets out the proper legal standard of disability under the Act in her decision and the agency's five step sequential evaluation process for evaluating disability under the Act.

plaintiff and analyzed those points correctly. The magistrate judge properly examined the entire record to determine that substantial evidence supports the administrative law judge's determination that Mr. Randall could have returned to his past relevant work and the Commissioner's denial of benefits.

Accordingly, all of the Plaintiffs objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

So **ORDERED** and **SIGNED** this **26** day of **September, 2017**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge